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**U.S. District Court
Eastern District of Virginia - (Alexandria)
CIVIL DOCKET FOR CASE #: 1:11-cv-00224-AJT -IDD**

Board of County Supervisors of Prince William County, VA v.	Date Filed: 03/02/2011
U.S. Department of Homeland Security	Date Terminated: 03/22/2012
Assigned to: District Judge Anthony J Trenga	Jury Demand: None
Referred to: Magistrate Judge Ivan D. Davis	Nature of Suit: 895 Freedom of
Cause: 05:552 Freedom of Information Act	Information Act
	Jurisdiction: U.S. Government Defendant

Plaintiff

**Board of County Supervisors of Prince
William County, VA**

represented by **Angela Lemmon Horan**
Office of County Attorney
1 County Complex Court
Prince William, VA 22192-9201
(703) 792-6620
Email: ahoran@pwcgov.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Megan Eileen Kelly
Prince William County Attorney's Office
1 County Complex Ct
Prince William, VA 22192-9201
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ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Homeland Security

represented by **R. Joseph Sher**
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA 22314

NA
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Email: joe.sher@usdoj.gov
LEAD ATTORNEY
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Date Filed	#	Docket Text
03/02/2011	<u>1</u>	COMPLAINT against U.S. Department of Homeland Security (Filing fee \$ 350.00 receipt number 14683019835.), filed by Board of County Supervisors of Prince William County, VA. (Attachments: # <u>1</u> Exhibit A-D, # <u>2</u> Letter, # <u>3</u> Civil Cover Sheet, # <u>4</u> Receipt)(tfitz,) (Entered: 03/03/2011)
06/28/2011	<u>2</u>	Summons Issued and given to attorney for service by Certified Mail as to U.S. Department of Homeland Security, U.S. Attorney and U.S. Attorney General (tfitz,) (Entered: 06/29/2011)
07/13/2011	<u>3</u>	NOTICE of Appearance by R. Joseph Sher on behalf of U.S. Department of Homeland Security (Sher, R.) (Entered: 07/13/2011)
07/13/2011	<u>4</u>	Certificate Reporting Service as to U.S. Attorney served on 6/29/2011, answer due 8/29/2011. (tfitz,) (Entered: 07/13/2011)
08/01/2011	<u>5</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Because the Plaintiff's Claim is Moot</i> by U.S. Department of Homeland Security. (Attachments: # <u>1</u> Affidavit Declaration of Ryan Law)(Sher, R.) (Entered: 08/01/2011)
08/01/2011	<u>6</u>	Memorandum in Support re <u>5</u> MOTION to Dismiss for Lack of Jurisdiction <i>Because the Plaintiff's Claim is Moot</i> filed by U.S. Department of Homeland Security. (Sher, R.) (Entered: 08/01/2011)
08/01/2011	<u>7</u>	Notice of Hearing Date set for 08/26/2011 re <u>5</u> MOTION to Dismiss for Lack of Jurisdiction <i>Because the Plaintiff's Claim is Moot</i> (Sher, R.) (Entered: 08/01/2011)
08/01/2011		Set Deadline as to <u>5</u> MOTION to Dismiss for Lack of Jurisdiction <i>Because the Plaintiff's Claim is Moot</i> . Motion Hearing set for 8/26/2011 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (stas) (Entered: 08/02/2011)
08/05/2011	<u>8</u>	AMENDED COMPLAINT against U.S. Department of Homeland Security, filed by Board of County Supervisors of Prince William County, VA. (Attachments: # <u>1</u> Exhibit FOIA Request #1 to ICE from plaintiff, # <u>2</u> Exhibit 11/16/10 electronic confirmation of receipt of request, # <u>3</u> Exhibit 11/18/10 letter from defendant to plaintiff, # <u>4</u> Exhibit 1/25/11 written request from plaintiff to defendant for status

		update, # 5 Exhibit plaintiff original complaint filed 3/2/11, # 6 Exhibit 3/3/11 email from Dep. Dir. of FOIA to plaintiff with FOIA response)(Kelly, Megan) Modified to edit text on 8/5/2011 (tfitz,). (Entered: 08/05/2011)
08/05/2011	9	ORDERED that defendant's Motion to Dismiss as Moot 5 be, and the same hereby is, DENIED as moot without prejudice to renewal; and it is further ORDERED that the hearing currently scheduled for August 26, 2011, at 10:00 a.m. be, and the same hereby is, CANCELLED. Signed by District Judge Anthony J Trenga on 8/5/11. (tfitz,) (Entered: 08/08/2011)
08/26/2011	10	Second MOTION to Dismiss by U.S. Department of Homeland Security. (Attachments: # 1 Affidavit Declaration of Jill A Eggleston with Exhibits A and B) (Sher, R.) (Entered: 08/26/2011)
08/26/2011	11	Memorandum in Support re 10 Second MOTION to Dismiss filed by U.S. Department of Homeland Security. (Sher, R.) (Entered: 08/26/2011)
08/26/2011	12	Notice of Hearing Date set for 09/23/2011 re 10 Second MOTION to Dismiss (Sher, R.) (Entered: 08/26/2011)
08/26/2011		Set Deadline as to 10 Second MOTION to Dismiss. Motion Hearing set for 9/23/2011 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (stas) (Entered: 08/26/2011)
09/20/2011	13	Opposition to 10 Second MOTION to Dismiss filed by Board of County Supervisors of Prince William County, VA. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Horan, Angela) (Entered: 09/20/2011)
09/21/2011	14	Memorandum in Opposition re 10 Second MOTION to Dismiss <i>Supporting Document 13</i> filed by Board of County Supervisors of Prince William County, VA. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Horan, Angela) (Entered: 09/21/2011)
09/22/2011	15	ORDERED that the County's Opposition to the Motion to Dismiss and for Summary Judgment 13 and Memorandum of Points and Authorities in Support of Plaintiffs Opposition to the Motion to Dismiss and for Summary Judgment 14 be, and the same hereby are, STRICKEN to the extent that they contain the County's opposition to DHS's Motion to Dismiss and for Summary Judgment 10 ; and it is further ORDERED that the County's Motion for Partial Summary Judgment 13 be, and the same hereby is, DENIED; and it is further ORDERED that DHS's Motion to Dismiss and for Summary Judgment 10 be. and the same, is GRANTED in part and DENIED in part. To extent that the County claims categorically that Exemptions 6 and 7(C) of FOIA may not be invoked to protect the personal privacy of illegal aliens, and that USCIS is obligated to respond to FOIA requests directed to ICE, such claims are DISMISSED pursuant to Fed. R. Civ. P. 12(b)(6). The motion is DENIED as moot as to DHS's motion for summary judgment pursuant to Fed. R. Civ. P. 56; and it is further ORDERED that the hearing presently scheduled for

		Friday, September 23, 2011 at 10:00 a.m. be, and the same hereby is, CANCELLED. Signed by District Judge Anthony J Trenga on 9/22/11. (tfitz,) (Entered: 09/22/2011)
10/05/2011	16	Consent MOTION for Extension of Time to File for Leave to File <i>Second Amended Complaint</i> by Board of County Supervisors of Prince William County, VA. (Attachments: # 1 Proposed Order, # 2 Exhibit 1, # 3 Exhibit A to Exhibit 1, # 4 Exhibit B to Exhibit 1, # 5 Exhibit C to Exhibit 1, # 6 Exhibit D to Exhibit 1, # 7 Exhibit E to Exhibit 1, # 8 Exhibit F to Exhibit 1, # 9 Exhibit G to Exhibit 1)(Horan, Angela) (Entered: 10/05/2011)
10/11/2011	17	ORDER granting 16 Motion for Extension of Time to File. Signed by Magistrate Judge Ivan D. Davis on 10/11/2011. (Davis, Ivan) (Entered: 10/11/2011)
11/01/2011	18	First MOTION for Leave to File <i>Second Amended Complaint</i> by Board of County Supervisors of Prince William County, VA. (Attachments: # 1 Proposed Order Granting leave to file <i>Second Amended Complaint</i>)(Horan, Angela) (Entered: 11/01/2011)
11/01/2011	19	AMENDED COMPLAINT <i>for Relief under the Freedom of Information Act</i> against U.S. Department of Homeland Security, filed by Board of County Supervisors of Prince William County, VA. (Attachments: # 1 Exhibit A to Second Amended Complaint, # 2 Exhibit B to Second Amended Complaint, # 3 Exhibit C to Second Amended Complaint, # 4 Exhibit D to Second Amended Complaint, # 5 Exhibit E to Second Amended Complaint, # 6 Exhibit F to Second Amended Complaint, # 7 Exhibit G to Second Amended Complaint, # 8 Exhibit H to Second Amended Complaint)(Horan, Angela) (Entered: 11/01/2011)
11/02/2011	20	Notice of Hearing Date set for November 18, 2011 re 18 First MOTION for Leave to File <i>Second Amended Complaint</i> (Attachments: # 1 Proposed Order)(Horan, Angela) (Entered: 11/02/2011)
11/03/2011		Set Deadlines as to 18 First MOTION for Leave to File <i>Second Amended Complaint</i> . Motion Hearing set for 11/18/2011 at 10:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 11/03/2011)
11/03/2011		MOTIONS REFERRED to Magistrate Judge: Davis. 18 First MOTION for Leave to File <i>Second Amended Complaint</i> (clar,) (Entered: 11/03/2011)
11/15/2011	21	RESPONSE to Motion re 18 First MOTION for Leave to File <i>Second Amended Complaint</i> filed by U.S. Department of Homeland Security. (Sher, R.) (Entered: 11/15/2011)
11/15/2011	22	ORDER granting 18 Motion for Leave to File. Signed by Magistrate Judge Ivan D. Davis on 11/15/2011. (Davis, Ivan) (Entered: 11/15/2011)

11/21/2011	23	ANSWER to Complaint <i>as amended</i> by U.S. Department of Homeland Security. (Sher, R.) (Entered: 11/21/2011)
12/02/2011	24	SCHEDULING ORDER:Initial Pretrial Conference set for 12/28/2011 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. Final Pretrial Conference set for 3/15/2012 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. Discovery due by 3/9/2012. Signed by District Judge Anthony J Trenga on 12/2/11. (Attachments: # 1 Mag. Consent, # 2 Pretrial Notice)(nhall) (Entered: 12/05/2011)
12/20/2011	25	Discovery Plan by Board of County Supervisors of Prince William County, VA. (Horan, Angela) (Entered: 12/20/2011)
12/22/2011	26	MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> by U.S. Department of Homeland Security. (Attachments: # 1 Affidavit Declaration of Ryan Law, # 2 Exhibit Exhibits to the Declaration of Ryan Law) (Sher, R.) (Entered: 12/22/2011)
12/22/2011	27	Memorandum in Support re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> filed by U.S. Department of Homeland Security. (Sher, R.) (Entered: 12/22/2011)
12/22/2011	28	Notice of Hearing Date set for 1/27/2012 re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> (Sher, R.) (Entered: 12/22/2011)
12/22/2011	29	Joint MOTION Briefing Schedule on Defendant's Motion re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> by U.S. Department of Homeland Security. (Attachments: # 1 Proposed Order)(Sher, R.) Modified on 12/22/2011 to correct party filer (stas). (Entered: 12/22/2011)
12/22/2011	30	ORDER granting 29 Motion for approval of briefing schedule on Defendant's Motion for Judgment on the Pleadings <i>or in the Alternative for Summary Judgment</i> . Signed by Magistrate Judge Ivan D. Davis on 12/22/2011. (Davis, Ivan) (Entered: 12/22/2011)
12/22/2011		Set Deadlines as to 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> . Motion Hearing set for 1/27/2012 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar,) (Entered: 12/22/2011)
12/22/2011		Notice of Correction re: 29 Joint MOTION Briefing Schedule on Defendant's Motion re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> by Board of County Supervisors of Prince William County, VA, U.S. Department of Homeland Security. The text has been modified to reflect the correct

		party/filer of the document. (stas) (Entered: 12/22/2011)
12/28/2011	31	Minute Entry for proceedings held before Magistrate Judge Ivan D. Davis: Initial Pretrial Conference held on 12/28/2011. Appearances of counsel for plaintiff and defendant. FOIA Case - no discovery appropriate until after district judge rules on summary judgment motions. (ktot,) (Entered: 12/29/2011)
01/13/2012	32	Memorandum in Opposition re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> filed by Board of County Supervisors of Prince William County, VA. (Horan, Angela) (Entered: 01/13/2012)
01/18/2012	33	REPLY to Response to Motion re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> filed by U.S. Department of Homeland Security. (Sher, R.) (Entered: 01/18/2012)
01/27/2012	34	Minute Entry for proceedings held before District Judge Anthony J Trenga: Motion Hearing held on 1/27/2012 re 26 MOTION for Judgment on the Pleadings <i>or, in the Alternative for Summary Judgment</i> filed by U.S. Department of Homeland Security: Appearances of counsel for Pltf and Deft. Motion argued. The Court is not going to dismiss the case w/ respect to the alien file until more information can be obtained. The Court takes the Motion UNDER ADVISEMENT w/ respect to the Section 7(C) and 6 exemptions. Order to follow. (Court Reporter R. Montgomery) (kbro) (Entered: 01/27/2012)
01/31/2012	35	ORDER granting in part and denying in part 26 Deft's Motion for Judgment on the Pleadings <i>or, in the Alternative, for Summary Judgment</i> : It is ORDERED that summary judgment be, and the same hereby is, GRANTED to Deft as to Deft's withholding of information pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. §§ 552(b)(6) and 552(b)(7)(C); and it is further ORDERED that summary judgment be, and the same hereby is, DENIED to Deft as to Pltf's challenges to the Deft's failure to provide the alien file to Pltf in response to Pltf's FOIA request. Signed by District Judge Anthony J Trenga on 01/31/2012. (kbro) (Entered: 02/01/2012)
03/02/2012	36	Joint MOTION to Vacate 24 Scheduling Order, by U.S. Department of Homeland Security. (Sher, R.) (Entered: 03/02/2012)
03/06/2012		MOTIONS REFERRED to Magistrate Judge: Davis. 36 Joint MOTION to Vacate 24 Scheduling Order, (clar,) (Entered: 03/06/2012)
03/07/2012	37	Memorandum <i>Supplementing</i> to 36 Joint MOTION to Vacate 24 Scheduling Order, filed by U.S. Department of Homeland Security. (Attachments: # 1 Affidavit August 1, 2011 Declaration of Ryan Law, # 2 Letter ICE Memorandum Referring File to

		USCIS)(Sher, R.) (Entered: 03/07/2012)
03/07/2012	38	Petitioner's BRIEF by Board of County Supervisors of Prince William County, VA. (Black, Kevin) (Entered: 03/07/2012)
03/08/2012	39	ORDER denying 36 Joint MOTION to Vacate Scheduling Order. The final pretrial conference will be held, as scheduled, on Thursday, March 15, 2012 with Judge Trenga. Regarding the alien file, Plaintiff shall advise Defendant which, if any, redactions it wishes to challenge prior to the final pretrial conference, and Plaintiff shall file a notice with the Court informing the Court of the redactions it seeks to challenge no later than 12:00 p.m. on Wednesday, March 14, 2012. Signed by Magistrate Judge Ivan D. Davis on 03/08/2012. (jlan) (Entered: 03/09/2012)
03/15/2012	40	Minute Entry for proceedings held before District Judge Anthony J Trenga: Final Pretrial Conference held on 3/15/2012: Appearance of counsel for Pltf and Deft. No trial date set as the Parties are in settlement discussions at this time and anticipate that the case will be resolved. The only issue currently pending is attorney fees. Counsel to let the Court know the status of the settlement by no later than 03/23/2012 . (Court Reporter N/A) (kbro) (Entered: 03/15/2012)
03/22/2012	41	SETTLEMENT AGREEMENT by Board of County Supervisors of Prince William County, VA. (Black, Kevin) (Entered: 03/22/2012)
03/22/2012	42	STIPULATION OF SETTLEMENT AND DISMISSAL. (See Order for full details) Signed by District Judge Anthony J Trenga on 3/22/2012. (tche) (Entered: 03/23/2012)

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